

VIRGINIA EMPLOYMENT COMMISSION

DECISION OF COMMISSION

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Decision No.: 5728-C

ABLE AND AVAILABLE: 475.5
Union relations - Membership

Date: July 17, 1972

This is a matter before the Commission on appeal by the claimant from the decision of the Examiner (No. UI-72-672) dated April 4, 1972.

ISSUE

Has the claimant been available for work during the week or weeks for which he claims benefits within the meaning of § 60.1-52 (g) of the Code of Virginia (1950), as amended?

FINDINGS OF FACT

The claimant appealed from the decision of the Appeals Examiner which declared him ineligible for benefits from January 2, 1972, through February 19, 1972.

When the claimant filed his claim for the weeks in question, he did not give the names of any employers to whom he had applied for work, but listed his union local as his only contact for employment. The claimant is a member of International Brotherhood of Electrical Workers, Local 265, Lincoln, Nebraska. At the time he completed Form IB-10, Interstate Claim Supplement, the claimant indicated that he would not accept non-union work.

The claimant registered for work with International Brotherhood of Electrical Workers, Local 756 in Daytona Beach and reported there weekly looking for work. In addition, he registered with other union locals in nearby areas. None of the locals could find work for him.

The claimant's labor market in the Daytona Beach area is over 85% unionized.

OPINION

Section 60.1-52 (g) of the Virginia Unemployment Compensation Act provides in part that in order to be eligible for benefits a claimant must be available for work. Generally, to be considered available for work, among other things, a claimant must show that he is actively and

earnestly looking for work without placing any undue restrictions upon his employability.

The Commission has held that where the claimant customarily found work through union hiring halls, where his potential labor market is substantially unionized, then the claimant may establish his availability for work by registration with the union hiring hall. The Commission has further held that restricting one's availability for union work is not an unreasonable restriction where the claimant's labor market is substantially unionized.
(Underscoring Supplied)

The Commission, therefore, is of the opinion that the claimant has met the eligibility requirements of the Act for the weeks in question.

DECISION

The decision of the Appeals Examiner is hereby reversed. It is held that the claimant has met the eligibility requirements of the Act from January 2, 1972, through February 19, 1972, the claim weeks before the Commission.